

**APPLICATION BY IESI TX
LANDFILL, L.P.
FOR MSW PERMIT
NO. 2332**

**BEFORE THE TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY**

**REPLY OF M. BRAD DIXON TO RESPONSE OF IESI TX LANDFILL LP TO
REQUESTS FOR HEARING/COMMENTS AND THE EXECUTIVE
DIRECTOR'S RESPONSE TO REQUESTS FOR HEARING AND REQUESTS
FOR RECONSIDERATION**

Now Comes, M. Brad Dixon, and files this, his reply, to the Response if IESI TX Landfill, LP to Requests for hearing/comments and the Executive Director's Response to Requests for Hearing and Requests for Reconsideration and would show The Commission as follows:

I.

IESI TX Landfill, L.P. (hereinafter referred to as IESI) and the Executive Director claim in their Responses that I, M. Brad Dixon, am not an "affected person" and that my concerns are common to those of the general public. IESI claims my interest is common to anyone whose water source is the Trinity Aquifer. The Executive Director claims that due to the remoteness of my property to the landfill site, it is unlikely that my "expressed interests" will be impeded by the landfill.

As stated in my earlier filings, my property is located approximately 2.5 miles north of the intersection of State Highway 199 and FM 1156, making it, as I understand, approx 3.5 to 4 miles from the actual permit site. Additionally, my property is significantly downhill from the proposed site with two creeks running through the property. The best water well on my property is located in this sandy bottom land, is only 30-35 feet deep, maintains water at 20 feet, and is over 100 years old. It is an old hand-dug well lined with sandstone and approximately 3-4 feet in diameter. The water quality is good and the well maintains approximately 1600 gallons of underground storage.

As far as my interest being common to everyone whose water source is the Trinity Aquifer, I disagree. I am very concerned about contamination of the huge Trinity Aquifer, which I believe will occur if this landfill is allowed. However, I do not believe the water well described above is located in the Trinity Aquifer. As stated in my earlier filings, water is a very precious resource wherever you are, but

particularly so in this part of Jack County where groundwater can be very scarce. It is common geological knowledge that small aquifers exist in various places, like on my place, and are dependent for recharge on rainwater. The primary recharge of these smaller aquifers is probably accomplished by rain water flowing down the creek, especially since this is such a sandy region.

Contaminated rainwater runoff from the proposed landfill would enter the creek and thereby contaminate all the small aquifers this creek recharges, including the small aquifer feeding my well.

Additionally, underground aquifers, even small ones, can extend for miles. This is also common geological knowledge. When the landfill liner leaks, as it is destined to do at some point, it will allow leeching into the underground water sands and, again, contaminate the groundwater.

Contamination of a freshwater aquifer can spread out for miles. There is plenty of evidence of this when we look at the oilfield industry's history of contaminating freshwater aquifers with salt water. It is my understanding that this has happened many times in the past right here in Jack County and wells that once contained good, fresh water are now salty.

For EISI and the Executive Director to take the position that I am not an affected person is illogical. This can be demonstrated by a simple series of questions:

- 1) Would the proposed landfill allow contaminated surface water off its premises in a major rain event? Yes.
- 2) Will that contaminated water enter area creeks and streams? Yes.
- 3) Will that water flow for more than 4 miles? Yes.
- 4) Will the contaminated water flow through the creeks on M. Brad Dixon's property? Of course it will.
- 5) Will such contaminated surface runoff water recharge aquifers along its route? Yes.
- 6) Will the shallow freshwater aquifer on M. Brad Dixon's property be in danger of contamination from surface run off from the proposed landfill? Yes.
- 7) Will the liner of the proposed landfill eventually leak? Yes.
- 8) Will contamination through leeching enter underground freshwater aquifers? Yes.
- 9) Do underground freshwater aquifers, even small ones, extend for miles? Yes.

10) Does M. Brad Dixon own land with a shallow freshwater aquifer within 4 miles of the proposed landfill site? Yes.

11) Will the shallow freshwater aquifer on M. Brad Dixon's land be contaminated by leeching from the landfill site when the liner eventually leaks? Probably.

As you can see from the foregoing, I have an interest in this issue that is far greater than that of the "general public" and the assertions of IESI and the Executive Director to the contrary are unfounded. I believe that I have demonstrated my special interest accurately and that I, as well as the other opponents of this landfill permit, should be granted a contested case hearing.

WHEREFORE, PREMISES CONSIDERED, I, M. Brad Dixon, respectfully represent to the Commission that I am an "affected person" in this matter and request that I, along with the other opponents of the permit, be granted a Contested Case Hearing so that the issues can be fully investigated, presented, and contested in the appropriate forum and so that Justice can be done.

Respectfully submitted,




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(For clarification, I would like to correct an apparent misconception as to where I live. I actually live in Jacksboro, Texas at 446 West Liveoak. The Response of IESI incorrectly states that I "live" 4 miles from the proposed facility. So does the Response of Public Interest Counsel. This is apparently in inadvertent error since I have never indicated that I live on the property. It is part of my farm. I still don't want the water well on my farm contaminated whether I live there at this time or not.)

CERTIFICATE OF SERVICE

This is to certify that true and correct copies of the foregoing have been sent by the method indicated to each of the persons or entities listed below on this the 16th day of January, 2008.



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